

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 11-61696

CHRISTOPHER G. JACKSON, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**OPINION REGARDING THE UNITED STATES TRUSTEE'S  
MOTION TO DISMISS THIS CASE**

This case came before the Court for a hearing on January 11, 2012, on the United States Trustee's motion to dismiss this bankruptcy case (Docket # 37, the "Motion"). Counsel for the United States Trustee and the Debtor (who is not represented by counsel) appeared at the hearing. The Court ordered the United States Trustee to file a transcript of the § 341 first meeting of creditors and a transcript of the Debtor's Rule 2004 Examination. The United States Trustee did so, on January 12, 2012 (Docket # 44).

The Court has reviewed the transcripts and the two exhibits to Debtor's Rule 2004 examination (all filed at Docket # 44). The Court has considered these items, as well as the arguments of the parties in their papers and during the January 11, 2012 hearing, and has reviewed the entire record of this case, including all of the schedules and other documents filed by the Debtor in this case. Based on that review, and for the following reasons, the Court will grant the Motion.

The Motion seeks dismissal of this Chapter 7 case for "cause" under 11 U.S.C. § 707(a). According to the Motion, such cause to dismiss this case is established for at least two reasons.

First, the Motion alleges that:

7. The Debtor swore in his bankruptcy documents that he had no

help preparing them. See Debtor's Declaration Under Penalty of Perjury for Debtor(s) Without an Attorney at Docket #8.

8. At the meeting of creditors, the Debtor conceded that he did not prepare his paperwork; his sister and her children did. This assertion was confirmed by his sister.

It is clear that Debtor's Declaration, filed August 11, 2011 (Docket # 8) was false.

Contrary to Debtor's Declaration, which Debtor signed under penalty of perjury, Debtor *did* have help — a great deal of help — in preparing the documents for his bankruptcy filing.

Debtor later amended that Declaration, on October 19, 2011 (Docket # 24). In the amended document, however, Debtor gives an evasive, and still-false answer. After saying that he *did* have help in preparing the documents for his bankruptcy filing, in response to the question “who helped you,” Debtor stated only “No one individual.” Not only is this answer evasive — because it does not name the person or persons who helped the Debtor — but also it is false. Debtor testified twice under oath, both before and after filing his October 19, 2011 amended Declaration, that *only one person* helped him with his bankruptcy papers.

First, in his § 341 meeting, on September 8, 2011, after initially testifying that his “nieces and nephew” helped him, Debtor later testified under oath that only one person helped him, namely his niece Pamela Williams.<sup>1</sup> Second, in his Rule 2004 examination on November 15, 2011, Debtor testified under oath that it was his sister, also named Pamela Williams (the mother of his niece who is also named Pamela Williams), and no other person, who helped him with his bankruptcy papers.<sup>2</sup>

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<sup>1</sup> Docket # 44 at pdf p. 4, lines 15-21; and pdf p. 6, lines 14-21.

<sup>2</sup> Docket # 44 at pdf p. 15, lines 15-21; and pdf p. 16, line 8 through pdf p. 17, line 6.

Next, the United States Trustee's Motion alleges the following:

10. The Debtor conceded he did not understand many of the documents.

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12. Without a minimal understanding of the documents or the advice of competent counsel, the Debtor's signature and assertions that the documents are correct are meaningless.

The United States Trustee is correct in these allegations. The Debtor admitted under oath, at least twice, that he did not understand the documents that he filed in this bankruptcy case. He testified to this in his § 341 meeting,<sup>3</sup> and he testified to this in his Rule 2004 examination.<sup>4</sup>

It appears from the Debtor's testimony that not only does he not understand the bankruptcy papers that he filed in this case, but also that he does not have the ability to understand them. He is elderly, and he testified that he "can't read too good anyway," and also that "he has trouble with certain things" since he "got hurt at Chrysler."<sup>5</sup> He lives with his sister and her daughter, and clearly one or both of them, or some other undisclosed person(s),<sup>6</sup> prepared all of the Debtor's papers that were filed in this case. But the evidence before the Court indicates that the Debtor lacks sufficient ability and understanding, such that it is indeed meaningless for

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<sup>3</sup> Docket # 44 at pdf p. 6, lines 11-13.

<sup>4</sup> Docket # 44 at pdf p. 18, lines 7-12; pdf p. 22, lines 3-6 (referring to Deposition Exhibit 2).

<sup>5</sup> Docket # 44 at pdf p. 18, line 12; pdf p. 20, lines 9-13.

<sup>6</sup> The Court's records in this case show that Debtor's bankruptcy petition and other papers that were filed on August 11, 2011, were delivered to the Clerk's office by an individual named Kamilah Walid, (*see* Docket # 3), who is known to the Court to have been a Bankruptcy Petition Preparer in some 37 other bankruptcy cases filed in this court. *See* list attached to this opinion. Debtor testified that he does not know Kamilah Walid. (Docket # 44 at pdf pp. 22-23).

the Debtor to verify, under penalty of perjury, the accuracy of his schedules, statement of financial affairs, and other papers filed in this case.

With respect to the Debtor's several inconsistent statements regarding whether anyone helped him prepare his bankruptcy papers, and who helped him, the Debtor clearly has made multiple false statements under oath and under penalty of perjury. But the Court is inclined to attribute this to the Debtor's inability to appropriately understand, rather than to a deliberate effort by the Debtor to deceive anyone.

Under these circumstances, there is indeed "cause" to dismiss this bankruptcy case under 11 U.S.C. § 707(a), and the Court will do so, by separate order. The order will state that the Debtor is barred from filing another bankruptcy case in the future, unless he files such case either (1) with an attorney representing him; or (2) through a court-appointed guardian; or both. This limited bar is necessary to prevent an abuse of process that would otherwise occur if the Debtor were to file another bankruptcy case without an attorney or a guardian. *See* 11 U.S.C. § 105(a).

**Signed on January 12, 2012**

**/s/ Thomas J. Tucker**  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**

## Select a Case

There were 7 matching persons.

There were 38 matching cases.

Name	Case No.	Case Title	Chapter / Lead BK case	Date Filed	Party Role	Date Closed
Walid, Kamilah (pty) (1 case)	<a href="#">11-42521-mbm</a>	Zaneta Magee	7	02/01/11	Petition Preparer	05/09/11
Walid, Kamilah (pty) (7 cases)	<a href="#">11-06271-wsd</a>	McDermott v. Walid	<i>Lead BK:</i> 11-49943-wsd Anna L. Henderson	08/15/11	Defendant	N / A
	<a href="#">11-43056-tjt</a>	Lakesha C. Bowers	7	02/08/11	Petition Preparer	05/23/11
	<a href="#">11-44430-swr</a>	Marcella Lawrence	7	02/22/11	Petition Preparer	06/06/11
	<a href="#">11-48591-tjt</a>	Terence L Standifer and Tenesia Y Standifer	7	03/29/11	Petition Preparer	07/14/11
	<a href="#">11-49943-wsd</a>	Anna L. Henderson	7	04/07/11	Petition Preparer	N / A
	<a href="#">11-53423-swr</a>	Kenneth J. Lewis	7	05/10/11	Petition Preparer	08/19/11
	<a href="#">11-55529-tjt</a>	Jeffery Shabazz	7	06/01/11	Petition Preparer	09/02/11
Walid, Kamilah (pty) (6 cases)	<a href="#">10-77978-tjt</a>	Shelonda L Sims	7	12/21/10	Petition Preparer	N / A
	<a href="#">11-41367-mbm</a>	Jerome B Stokes and Bettye J Stokes	7	01/20/11	Petition Preparer	05/20/11
	<a href="#">11-42521-mbm</a>	Zaneta Magee	7	02/01/11	Petition Preparer	05/09/11

Walid, Kamilah (pty) (5 cases)	<a href="#">11-46081-tjt</a>	Ernest E. Howard	7	03/08/11	Petition Preparer	07/06/11
	<a href="#">11-46517-swr</a>	Shaneen R. Das	7	03/11/11	Petition Preparer	09/13/11
	<a href="#">11-53423-swr</a>	Kenneth J. Lewis	7	05/10/11	Petition Preparer	08/19/11
	<a href="#">11-46509-pjs</a>	William C. Lindsay	7	03/11/11	Petition Preparer	06/29/11
	<a href="#">11-46515-tjt</a>	Deborah L. Knight	7	03/11/11	Petition Preparer	06/24/11
Walid, Kamilah (pty) (2 cases)	<a href="#">11-46740-wsd</a>	Matthew N Freeman and Pamela J Lewis- Freeman	7	03/14/11	Petition Preparer	09/09/11
	<a href="#">11-47861-wsd</a>	Gina Maria Holler	7	03/23/11	Petition Preparer	07/20/11
	<a href="#">11-55967-pjs</a>	Candy M. Powell	7	06/07/11	Petition Preparer	11/02/11
Walid, Kamilah (pty) (14 cases)	<a href="#">11-63987-swr</a>	Concheite A. Mclaurin	7	09/09/11	Petition Preparer	N / A
	<a href="#">11-66142-swr</a>	Mary L. Evans	7	10/05/11	Petition Preparer	N / A
Walid, Kamilah (pty) (14 cases)	<a href="#">11-23579-dob</a>	Danielle S. Harvey	7	11/14/11	Petition Preparer	N / A
	<a href="#">11-60392-wsd</a>	Chandra C. Gillery	7	07/28/11	Petition Preparer	10/24/11
	<a href="#">11-64583-wsd</a>	Tammy T Boyette	7	09/16/11	Petition Preparer	01/03/12
	<a href="#">11-64590-tjt</a>	Lavoria Taylor	7	09/16/11	Petition Preparer	N / A
	<a href="#">11-65307-tjt</a>	Deborah J Jackson	7	09/27/11	Petition Preparer	01/09/12
		Fatima K			Petition	

Walid, Kamilah Hadiya (pty) (3 cases)	<a href="#">11-66007-tjt</a>	Shabazz	7	10/04/11	Preparer	N / A
	<a href="#">11-67003-wsd</a>	Cindy L. Lockett	7	10/17/11	Petition Preparer	N / A
	<a href="#">11-68254-wsd</a>	Nurah A. Stanley	7	10/31/11	Petition Preparer	N / A
	<a href="#">11-68611-wsd</a>	Wellington Mhango	7	11/03/11	Petition Preparer	N / A
	<a href="#">11-69384-tjt</a>	Ron C. Pruitt and Shante Pruitt	7	11/14/11	Petition Preparer	N / A
	<a href="#">11-69603-wsd</a>	Brandi L. Wilson	7	11/16/11	Petition Preparer	N / A
	<a href="#">11-69858-tjt</a>	Dorothy J. Willis	7	11/18/11	Petition Preparer	N / A
	<a href="#">11-71728-mbm</a>	Steven A. King	7	12/15/11	Petition Preparer	N / A
	<a href="#">11-72330-swr</a>	Reginald G. Wilson	7	12/23/11	Petition Preparer	N / A
	<a href="#">11-48180-mbm</a>	James B. Robbins	7	03/25/11	Petition Preparer	07/11/11
	<a href="#">11-51436-pjs</a>	Jermaine D Wilson	7	04/21/11	Petition Preparer	11/07/11
	<a href="#">11-51831-wsd</a>	Carolyn M Smith	7	04/26/11	Petition Preparer	11/18/11